

**ST. LAWRENCE BOROUGH REORGANIZATION  
MEETING MINUTES  
MONDAY, JANUARY 4, 2010**

**ATTENDANCE:**

Mr. Robert J. May, Council Member  
Mr. David W. Eggert, Council Member  
Mrs. Joan Eshelman, Council Member  
Mr. James Simmons, Council Member  
Mr. Cary G. Whitman, Council Member  
Mr. Warren L. Lubenow, Council Member

**OTHERS IN ATTENDANCE:**

Mr. CJ Levan, Van Cleef Engineering  
Mr. Brian Focht, Van Cleef Engineering  
Mrs. Pamela Hilbert, Resident  
Mr. Michael Fritz, Resident  
Mr. Shawn Elischer, Exeter Ambulance/Resident  
Mr. David Smith, Resident  
Mr. David Mekeel, Reading Eagle

**AFFIRMATION OF NEWLY ELECTED COUNCIL MEMBERS AND TAX COLLECTOR** - Newly re-elected members of council including Mr. David Eggert, Mr. Cary Whitman and Rev. D. Michael Bennethum as well as newly elected Council Member, Mr. Warren L. Lubenow and the tax collector, Mrs. Susan Eggert, were sworn in as Council members and the tax collector prior to the start of the meeting. Mr. Lubenow has decided to vacate his seat as the Borough Mayor.

**CALL TO ORDER:** The reorganization meeting of the St. Lawrence Borough Council was called to order by Mr. Robert J. May at 7:35 PM.

**SELECTION OF MEMBER OF COUNCIL TO PRESIDE OVER MEETING** - Mr. Lubenow chose to vacate his seat as the Borough Mayor therefore Council needs to select a member of Council to preside over the meeting until a Council President is elected. Mr. Lubenow nominated Rev. Bennethum to preside over the meeting; seconded by Mr. Eggert; all were in favor.

**ELECTION OF COUNCIL PRESIDENT** - Rev. Bennethum opened up nominations for Council President. Mr. Eggert nominated Mr. Robert May for Council President; seconded by Mrs. Eshelman. Mr. James Simmons nominated Mr. Eggert for Council President and Mr. Eggert declined. Mr. Simmons nominated Mr. Lubenow for Council President; seconded by Mr. May. At this time Mr. Eggert made a motion to close nominations; seconded by Mr. May; all were in favor and the motion carried. The vote was taken by raise of hands; Mr. May received four votes; Mr. Eggert, Mr. Whitman, Mrs. Eshelman and Mr. May; Mr. Lubenow received two votes; Mr. Simmons and Mr. Lubenow. Mr. May will be the Council President. At this time Rev. Bennethum turned the meeting over to Mr. May.

**ELECTION OF COUNCIL VICE PRESIDENT** - Mrs. Eshelman nominated Mr. Eggert for Council Vice President; seconded by Mr. May. Mr. Simmons nominated Mr. Lubenow for Vice President; seconded by Mr. Eggert. Mr. Eggert made a motion to close nominations; seconded by Mr. May; all were in favor and the motion carried. Mr. Eggert received four votes; Mrs. Eshelman, Mr. Eggert, Rev. Bennethum and Mr. May; Mr. Lubenow received two votes; Mr. Simmons and Mr. Lubenow; Mr. Whitman abstained.

**APPOINTMENTS FOR 2010:**

**BOROUGH MANAGER** – Mr. Eggert made a motion to appoint Ms. Allison Leinbach; seconded by Mrs. Eshelman; all were in favor and the motion carried.

**BOROUGH SECRETARY** - Mrs. Eshelman made a motion to appoint Mrs. Susan Eggert; seconded by Mr. Robert May; Mr. May, Mrs. Eshelman, Mr. Lubenow, Mr. Simmons and Rev. Bennethum voting in favor; Mr. Eggert and Mr. Whitman abstaining due to personal relationship with Mrs. Eggert.

**BOROUGH SOLICITOR** - Mr. Eggert made a motion to appoint Kozloff Stoudt; seconded by Mr. Whitman; all were in favor and the motion carried.

**SEWER ENGINEER** - Mr. Eggert made the motion to appoint Spotts, Stevens & McCoy; seconded by Mrs. Eshelman; all were in favor and the motion carried.

**ZONING OFFICER** - Mr. Whitman made the motion to appoint Mr. William Daniels; seconded by Mr. Simmons; all were in favor and the motion carried.

**ASSISTANT ZONING OFFICER** - Mr. Eggert made the motion to appoint Ms. Allison Leinbach; seconded by Mr. Whitman; all were in favor and the motion carried.

**CODE ENFORCEMENT OFFICER** – Mr. Eggert made the motion to appoint Mr. William Daniels; seconded by Mrs. Eshelman; all were in favor and the motion carried.

**ASST. CODE ENFORCEMENT OFFICER** – Mr. Eggert made the motion to appoint Ms. Allison Leinbach; seconded by Mrs. Eshelman; all were in favor and the motion carried.

**UCC PLUMBING/MECHANICAL INSPECTOR** - Mr. Whitman made the motion to appoint Mr. Brian Sands; seconded by Mr. Simmons; all were in favor and the motion carried.

**SEWAGE ENFORCEMENT OFFICER** - Mr. Whitman made the motion to appoint Sean Corey of SSM; seconded by Mr. Eggert; all were in favor and the motion carried.

**UCC FIRE CODE OFFICIAL** - Mr. Eggert made the motion to appoint Mr. David Janiszewski; seconded by Mrs. Eshelman; all were in favor and the motion carried.

**BOROUGH AUDITOR** - Mr. Whitman made the motion to appoint Maillie Falconeri; seconded by Mrs. Eshelman; all were in favor and the motion carried.

**OFFICIAL BANK OF DEPOSITORY** - Mr. Whitman made the motion to appoint Susquehanna Bank; seconded by Mrs. Eshelman; all were in favor and the motion carried.

**OFFICIAL MEETING TIME** - Mr. Eggert made the motion to set the official meeting time as the second Thursday of the month at 7:30 PM; seconded by Mr. Simmons; all were in favor and the motion carried.

**ORDER OF BUSINESS** - Mr. Whitman made the motion to set the order of business as follows: call to order/salute to the flag, approval of the minutes, treasurer's report, approval and payment of the bills, public hearings/petitions, report of the Borough Engineer, report of the zoning officer/code enforcement, report of the Borough Solicitor, report of the Borough Mayor, committee reports, Borough Manager's Report, unfinished business, new business, general comments to Council, incoming and outgoing communications and adjournment; seconded by Mr. Simmons; all were in favor and the motion carried.

**ADJOURNMENT:** Mrs. Eshelman made a motion to adjourn the reorganization meeting; seconded by Mr. Eggert; all were in favor and the motion carried. The reorganization meeting of the St. Lawrence Borough Council adjourned at 7:45 PM.

Respectfully submitted,

Susan D. Eggert, Borough Secretary

**ST. LAWRENCE BOROUGH COUNCIL  
MEETING MINUTES  
MONDAY, JANUARY 4, 2010**

**ATTENDANCE:**

Mr. Robert J. May, Council President  
Mr. David W. Eggert, Council Vice President  
Mrs. Joan Eshelman, Councilwoman  
Mr. Warren Lubenow, Councilman  
Rev. D. Michael Bennethum, Councilman  
Mr. James Simmons, Councilman  
Mr. Cary Whitman, Councilman

**OTHERS IN ATTENDANCE:**

Mr. CJ Levan, Van Cleef Engineering  
Mr. Brian Focht, Van Cleef Engineering  
Ms. Allison Leinbach, Borough Manager  
Mrs. Susan Eggert, Borough Secretary  
Mr. William Daniels, Zoning/Code Enforcement Officer  
Mr. Shawn Elischer, Exeter Ambulance/Resident  
Mr. Michael Fritz, Resident  
Mr. David Smith, Resident  
Mr. David Meekel, Reading Eagle  
Ms. Joan London, Kozloff Stoudt (Arriving at 8:58 PM)  
Mr. Edward Stock, Attorney for Mr. DiBiase  
Mr. Rafaele DiBiase

**CALL TO ORDER:** The meeting of the St. Lawrence Borough Council was called to order by Mr. Robert J. May, Council President, at 7:45 PM.

**APPROVAL OF THE MINUTES:** The minutes of the Wednesday, December 9, 2009 meeting were distributed to the members of Council prior to the meeting for review. There were no questions, corrections, additions or clarifications to the minutes. **MOTION:** Mr. Eggert made the motion to accept the minutes as presented; seconded by Mrs. Eshelman; all were in favor and the motion carried.

**TREASURER'S REPORT:** The treasurer's report was distributed to the members of Council for review. There were no questions. **MOTION:** Mr. Eggert made the motion to accept the treasurer's report as presented and file for audit; seconded by Mr. Simmons; all were in favor and the motion carried.

**GENERAL:** \$109,992.83 **SEWER:** \$34,693.63 **LIQUID FUELS:** \$143,217.99 **CAPITAL RESERVE:** \$108,573.76

**APPROVAL AND PAYMENT OF THE BILLS-** A list of bills requiring payment and ratification for both 2009 and 2010 were presented to Council for approval, payment and ratification. There were no questions. The bills requiring payment from the general fund for 2009 totals \$20,633.99 and 2010 totals \$36,256.19. Bills requiring payment from the sewer fund for 2010 totals \$1,100.18. **MOTION:** Mr. Eggert made the motion authorizing payment and ratification of all bills presented for both 2009 and 2010; seconded by Mr. Whitman; all were in favor and the motion carried.

**PUBLIC HEARINGS, PETITIONS**

**SHAWN ELISCHER- EXETER AMBULANCE/RESIDENT** - Mr. Elischer presented this evening to discuss ambulance service with the Council. Mr. Elischer is part of Exeter Ambulance as well as a resident of the Borough. He presented a letter to Council which he read aloud to Council and left a copy for the minutes. Mr. Elischer was willing to answer any questions that Council members may have and did so at this time. Mr. Elischer indicated that in 2009 Exeter Ambulance had 146 calls in the Borough; they responded to all but 17 of those calls which were handled by mutual aid companies. There was a question asked about whether not non-emergency transport has

become a large part of their business. Mr. Elischer indicated that yes it has but that new staff and equipment was purchased for that service and that equipment was not taken from the 9-1-1 response capabilities. All other questions were answered and Council thanked Mr. Elischer for the information and presentation.

#### **REPORT OF THE BOROUGH ENGINEER - CJ LEVAN, VAN CLEEF ENGINEERING**

**ROAD OPENING PERMIT** - Mr. Levan indicated that he processed a road opening permit from UGI and that that information was forwarded to the Borough.

**GOODWILL PROJECT** - Mr. Levan indicated that he was contacted by Ludgate Engineering and that they were planning to submit plans for review for the January Planning Commission Meeting. As of this afternoon neither Van Cleef or the Borough has received any plans.

#### **REPORT OF THE BOROUGH MAYOR**

**OPEN MAYOR SEAT** - At this time the seat of Mayor has been declared vacant. Prior to the December meeting a post card was sent to all of the residents of the Borough indicating that there was going to be an open seat in municipal government and anyone who may be interested could attend the December Council meeting to introduce themselves and get more information. Two residents attended to express interest; Mr. Michael Boisson and Mr. Lee Bennett. During the month of December Dr. Ronald Ivison had conveyed his interest to Mayor Lubenow and Ms. Leinbach. Dr. Ivison had served on Council for the previous 4 years and chose not to run due to a hearing deficit however he felt that he could serve the community well as Mayor. Mrs. Eggert indicated that Mr. Boisson had contacted the Borough Office earlier today indicating that he was not interested in serving as Mayor but to please keep his name on file and perhaps he would be able to serve the community in another fashion. There was a short discussion and Council felt that Dr. Ivison had experience working with municipal government and felt that he would serve the community well as Mayor. **MOTION:** Rev. Bennethum made the motion to appoint Dr. Ivison as Borough Mayor for a term of 2 years; seconded by Mr. Lubenow; all were in favor and the motion carried.

#### **BUDGET & FINANCE - ALLISON LEINBACH**

**PRINTING OF THE REAL ESTATE TAX BILLS** - Ms. Leinbach indicated that we need to authorize the Council President to sign the agreement with the County for the printing of the real estate tax bills. The County prints the bills, mails them directly and bills the Borough for a portion. Ms. Leinbach indicated that this is the cheapest and most reasonable way to print and mail the bills. **MOTION:** Mr. Eggert made a motion authorizing Mr. May to sign the form authorizing the County to print the tax bills for 2010; seconded by Mrs. Eshelman; all were in favor and the motion carried.

#### **STREETS & LIGHTS - JOAN ESHELMAN**

**PRE-EMPTION DEVICE** - Telco has started the installation of the pre-emption device on the traffic signal at Bingaman and St. Lawrence Avenue. This will be paid for by the grant received for this purpose.

#### **PLANNING COMMISSION - ALLISON LEINBACH**

The Planning Commission is scheduled to meet on Wednesday, January 27 at 7:30 PM. There was no meeting in November or December.

#### **SANITARY SEWER - ALLISON LEINBACH**

**MT. PENN MUNICIPAL SEWER BILL CHARGES** - Ms. Leinbach indicated that we have received notice from Mt. Penn Municipal Authority that there will be an increase of 35 cents per bill per quarter for 2010. This would bring the total cost per bill per quarter to \$3.13. Ms. Leinbach is still investigating the cost of bringing this billing in house.

#### **TRASH & RECYCLING**

**HOLIDAY SCHEDULE 2010** - Mrs. Eggert indicated that trash day is still Thursday. There will be three changes for trash pickup during the calendar year 2010. This was advertised in the newsletter and will continue to be advertised in the newsletter throughout the year.

## **ZONING HEARING BOARD**

**DIBIASE DECISION** - The Borough has received the decision from the Zoning Hearing Board Solicitor. Council wishes to wait for Ms. London to arrive to have discussion with regard to this decision. Mr. May indicated that he felt an executive session may be required to discuss the Borough's options for an appeal.

**RESIGNATION OF THE ALTERNATE** - Mr. Fritz, the Zoning Hearing Board Chairman, who was in attendance indicated that the alternate, Mr. Kevin Houck, wishes to resign as the alternate. Mr. Fritz indicated that he would prefer not to go on without an alternate and to contact him with any names of interested parties. Council asked Mrs. Eggert to contact Mr. Boisson who had expressed interest in serving the Borough.

## **LIBRARY LIAISON - REV. BENNETHUM**

Rev. Bennethum indicated that if anyone else was interested in being the liaison to the library board that he would be willing to step aside because he does have scheduling conflicts quite often throughout the year. Mr. Eggert volunteered to attend the meeting in his absence if he was unable to attend.

## **NEW BUSINESS**

**MEETING SCHEDULE 2010** - Mrs. Eggert asked for authorization to advertise the meeting schedule for 2010. After the Planning Commission meets at the end of the month both schedules will be advertised together. The only potential conflict is Thursday, November 11, which is Veteran's Day and Borough offices are closed. Mr. May indicated that he felt to have a meeting that day would not be a great idea and perhaps the meeting could be moved to Wednesday, November 10 if all Council members were in agreement. Everyone was in agreement.

**MOTION:** Mr. Eggert made a motion authorizing Mrs. Eggert to advertise the meeting schedule for 2010, the meetings will be the second Thursday of the month with the exception of November which will be the second Wednesday of the month due to the federal holiday; seconded by Mrs. Eshelman; all were in favor and the motion carried.

## **INCOMING & OUTGOING COMMUNICATIONS**

**LETTER FROM EXETER TOWNSHIP** - Mr. May indicated that the Borough received a notice from Exeter Township with regard to charging the Borough if the Exeter Police need to respond to the Borough. Ms. London responded to the letter indicated that the Borough has had no time to discuss this and would not be signing any such agreement. Mr. Lubenow indicated that he attended the Exeter Supervisor meeting last week and asked that they rescind the letter because of the county mutual aid agreement. Mr. Lubenow indicated that Mrs. Starr would not rescind the letter but was willing to discuss it further. Mr. May asked that the Borough let the police chiefs work it out and let Chief Garipoli report back to the Borough.

## **EXECUTIVE SESSION**

Mr. May asked that Council go into executive session to discuss professional services and potential litigation.

**MOTION:** Mrs. Eshelman made the motion to go into executive session to discuss professional services and potential litigation; seconded by Mr. Whitman; all were in favor and the motion carried. Council went into executive session at 8:30 PM. Council came out of executive session at 9:20 PM. Ms. London arrived at the meeting at 8:59 PM.

## **ZONING DECISION FOR DIBIASE PROPERTY**

Mr. Stock, Mr. DiBiase's attorney indicated that Mr. DiBiase has not made any changes to the property since he purchased it in 2002 and was never informed of a problem with the property until May of 2009. Mr. Stock indicated that the building is a non-conforming use and an agreement made with Cypress Reality dated 2002 shows that the Borough agrees that the property is a non-conforming use. There was a previous variance given to the property back when Mr. Douglas Arnold owned the property which allowed one business and 11 parking spaces. Mr. Stock felt that there was no difference between having 1 business with 11 parking spaces and 7 business with 11 employees. Mr. May indicated that the Borough has never received more complaints about one single property than it has with the property in question at 3608 St. Lawrence Avenue. Mr. Stock indicated that Mr. DiBiase is willing to comply with all of the conditions stated in the decision. Council felt that the decision still does not address the parking issue with regard to the number of business, employees, tenants, residents and

clients. There was a short discussion and Council asked Mr. Stock numerous questions. In the decision, Mr. DiBiase would be responsible for maintaining the alley because he has the most traffic in and out of that alley which was noted to be in poor condition. Mr. DiBiase is also willing to put up all of the signage required however Council did not feel that this was very enforceable. Mr. Lubenow asked Mrs. Hilbert who is a neighbor of the property in question and is also present in the audience how she felt about the decision and whether or not she would like the Borough to appeal the Zoning Hearing Board decision. Mrs. Hilbert indicated that she was torn because she would like to see the alley maintained however even with signage she has had clients of the property using her driveway and felt that nothing was going to change. Mr. Stock stated that he has been to the property on numerous occasions when the parking lot is empty and parking is not an issue. Council asked how many parking spaces were in on the location at present; Mr. Stock and Mr. DiBiase both answered 11. Council noted that if there was 11 parking spaces, 9 businesses and 2 adult tenants in the apartment all parked in the lot at that same time where were clients of the businesses to park? There was disagreement between Mr. Stock and Mr. May about the decision. Mr. May indicated that he felt that the Borough had no choice but to appeal this decision because it is to open ended and not easily enforceable. **MOTION:** Mrs. Eshelman made the motion to appeal the Zoning Hearing Board decision with regard to Mr. DiBiase's property at 3608 St. Lawrence Avenue; seconded by Mr. Eggert; all were in favor and the motion carried. Mr. Stock indicated that they would be counter appealing.

#### **ENGINEERING SERVICES**

**GENERAL ENGINEERING SERVICES - MOTION:** Mr. Eggert made a motion to appoint Systems Design Engineering (SDE), Inc as the general engineers for the Borough for the calendar year 2010; seconded by Mr. Simmons; all were in favor and the motion carried. It was decided however to have Van Cleef Engineering finish out the Goodwill Industries project.

**TRAFFIC ENGINEERING - MOTION:** Mr. Whitman made a motion to appoint Traffic Engineering & Design to be the traffic engineers for the Borough for the calendar year 2010; seconded by Mr. Lubenow; all were in favor and the motion carried.

**UCC BUILDING CODE OFFICIAL - MOTION:** Mr. Whitman made the motion to appoint Systems Design Engineering (SDE), Inc as the UCC building code official for the Borough for the calendar year 2010; seconded by Mr. Lubenow; all were in favor and the motion carried.

**PLAN REVIEW - MOTION:** Mr. Eggert made the motion to appoint Systems Design Engineering as the plan review people for the Borough for the calendar year 2010; seconded by Mr. Whitman; all were in favor and the motion carried.

**FEE SCHEDULE - MOTION:** Mr. Eggert made the motion to adopt the fee schedule of SDE, Inc for the calendar year 2010 with the exception of plumbing, fire and mechanical since we have other inspectors for those services by way of Resolution 695-2010; seconded by Mr. Whitman; all were in favor and the motion carried.

**ADJOURNMENT - MOTION:** Mr. Whitman made a motion to adjourn; seconded by Mr. Eggert; all were in favor and the motion carried. The regular monthly meeting of the St. Lawrence Borough Council adjourned at 9:45 PM.

Respectfully submitted,

SIGNED SUSAN D. EGGERT

Susan D. Eggert, Borough Secretary